

EXHIBIT A



CT Corporation
Service of Process Notification

07/28/2022
CT Log Number 542001600

Service of Process Transmittal Summary

TO: David Monk
REALPAGE, INC.
2201 LAKESIDE BLVD
RICHARDSON, TX 75082-4305

RE: Process Served in Texas

FOR: RealPage, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: THOMAS PATTI vs. REALPAGE INC

CASE #: CACE22010379

PROCESS SERVED ON: C T Corporation System, Dallas, TX

DATE/METHOD OF SERVICE: By Process Server on 07/28/2022 at 10:46

JURISDICTION SERVED: Texas

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air
Image SOP
Email Notification, Leanna Honeycutt leanna.honeycutt@realpage.com
Email Notification, David Monk david.monk@realpage.com
Email Notification, Sarah Reynolds sarah.reynolds@realpage.com
Email Notification, Martin Thornthwaite martin.thornthwaite@realpage.com
Email Notification, Alyssa Pazandak alyssa.pazandak@realpage.com
Email Notification, Kellie Hoyle kellie.hoyle@realpage.com
Email Notification, David Knight david.knight@realpage.com
Email Notification, Chinenye Kanu chinenye.kanu@realpage.com

REGISTERED AGENT CONTACT: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
866-665-5799
SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Thu, Jul 28, 2022
Server Name: Kenneth Frechette

Entity Served	REALPAGE, INC.
Case Number	cace-22-010379
Jurisdiction	TX

Inserts		



Filing # 153784231 E-Filed 07/21/2022 12:05:09 PM

CACE-22-010379

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Case No.: CACE-22-010379

THOMAS PATTI,

Plaintiff,

CIVIL ACTION SUMMONS

v.

REALPAGE INC. D/B/A REALPAGE
UTILITY MANAGEMENT INC.,

Defendant.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in
this action on Defendant:

RealPage Inc. d/b/a RealPage Utility Management Inc.
C T Corporation System
1999 Bryan Street, Suite 900
Dallas, TX, 75201-3136, USA

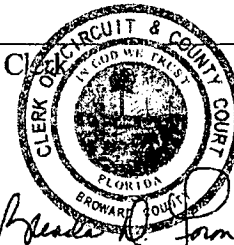
Each defendant is required to serve written defenses to the complaint or petition on Plaintiff's attorney, Jibrael S. Hindi, Esq., The Law Offices of Jibrael S. Hindi, PLLC, 110 SE 6th Street, Suite 1744, Fort Lauderdale, Florida 33301, within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED on: JUL 21 2022

Brenda D. Forman, Clerk of the Court

By: _____

As Deputy Clerk



BREND A. D. FORMAN of 2

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away.

If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book). If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

Dated: July 21, 2022

Respectfully Submitted,
/s/ Jennifer G. Simil
JIBRAEL S. HINDI, ESQ.
Florida Bar No.: 118259
E-mail: jibrael@jibraellaw.com
JENNIFER G. SIMIL, ESQ.
Florida Bar No.: 1018195
E-mail: jen@jibraellaw.com
The Law Offices of Jibrael S. Hindi
110 SE 6th Street, Suite 1744
Fort Lauderdale, Florida 33301
Phone: 954-907-1136
COUNSEL FOR PLAINTIFF

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT/COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

Thomas Patti
Plaintiff

Case # _____
Judge _____

vs.

RealPage Inc. dba RealPage Utility Management Inc.
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☐ \$8,000 or less
☐ \$8,001 - \$30,000
☐ \$30,001- \$50,000
☐ \$50,001- \$75,000
☐ \$75,001 - \$100,000
☒ over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☐ Negligence—other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☐ Premises liability—commercial
 - ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☒ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Small Claims up to \$8,000
- ☐ Civil
- ☐ Real property/Mortgage foreclosure

- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

IV. REMEDIES SOUGHT (check all that apply):

- ☒ Monetary;
- ☒ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: []
(Specify)

1

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☒ yes
- ☐ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ no
- ☐ yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☒ yes
- ☐ no

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

- ☐ yes
- ☒ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Jennifer Gomes Simil
Attorney or party

Fla. Bar # 1018195
(Bar # if attorney)

Jennifer Gomes Simil
(type or print name)

07/15/2022
Date

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Case No.

THOMAS PATTI,
*individually and on behalf of all those similarly
situated,*

Plaintiff,

v.

REALPAGE INC. D/B/A REALPAGE
UTILITY MANAGEMENT INC.,

Defendant.

PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT

Plaintiff Thomas Patti propounds the following discovery requests on Defendant RealPage Inc. d/b/a RealPage Utility Management Inc.. Responses to these discovery requests are due forty-five (45) days from the below service date. Attached as Appendix "A" are definitions of terms and phrases used in these discovery requests.

The responses to these discovery requests must be sent *via* e-mail to: **Jibrael S. Hindi, Esq.**, at jibrael@jibraellaw.com, and **Jennifer Simil, Esq.**, at jen@jibraellaw.com.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 15, 2022, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Jennifer G. Simil.
JENNIFER G. SIMIL, ESQ.
Florida Bar No.: 1018195

PAGE | 1 of 7

INTERROGATORIES

- (1) Identify the number of persons that Defendant, or someone on Defendant's behalf, sent an electronic communication to between 9:00 PM and 8:00 AM in connection with the collection of a debt.

Response:

- (2) Identify, by name and e-mail address, each person that Defendant, or someone on Defendant's behalf, sent an electronic communication to between 9:00 PM and 8:00 AM in connection with the collection of a debt.

Response:

- (3) Identify the specific policies and procedures Defendant has implemented to prevent communicating with Florida consumers between 9:00 PM and 8:00 AM in connection with the collection of a debt.

Response:

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REQUEST FOR PRODUCTION OF DOCUMENTS

Please produce copies of the following documents:

- (1) Copies of each e-mail Defendant, or someone on Defendant's behalf, sent to Plaintiff during the three (3) years prior to the commencement of the above-captioned action.
- (2) Copies of each e-mail Defendant, or someone on Defendant's behalf, sent between 9:00 PM and 8:00 AM in connection with the collection of a debt during the three (3) years prior to the commencement of the above-captioned action.
- (3) A list of the persons Defendant was asked to identify in response to Interrogatory No. 2.
- (4) Copies of Defendant's balance sheets, income statements, profit and loss statements, and any other documents which reflect Defendant's net worth for 2019 tax year.
- (5) Copies of Defendant's balance sheets, income statements, profit and loss statements, and any other documents which reflect Defendant's net worth for 2020 tax year.
- (6) Copies of Defendant's balance sheets, income statements, profit and loss statements, and any other documents which reflect Defendant's net worth for 2021 tax year.
- (7) Copies of Defendant's tax returns for the 2019 tax year.
- (8) Copies of Defendant's tax returns for the 2020 tax year.
- (9) Copies of Defendant's tax returns for the 2021 tax year.

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VERIFICATION

Under penalties of perjury, I, the undersigned affiant, declare that I have read the above Answers to Interrogatories, and that the Answers are true and correct.

AFFIANT SIGNATURE

PRINTED NAME OF AFFIANT

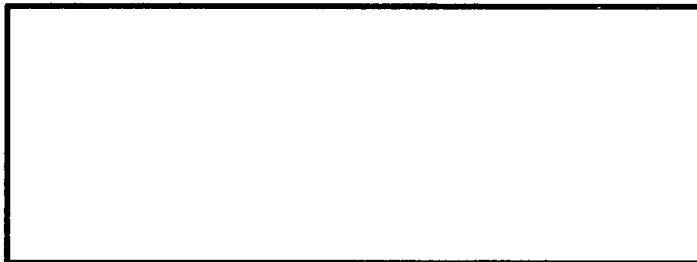
CAPACITY / TITLE OF AFFIANT

BEFORE ME, the undersigned authority, personally appeared _____,
who produced as identification _____, bearing
number _____ expiring on _____ who
did take an oath, who stated that he/she is the person noted above, and that, according to his/her
best knowledge and belief, the forgoing answers are true and correct.

Sworn to and subscribed before me, this _____ day of _____, 201____.

SIGNATURE OF NOTARY

PRINTED NAME OF NOTARY



SEAL OF NOTARY

APPENDIX "A" – DEFINITIONS

- (1) "Action" shall mean the above captioned matter.
- (2) "Any," "All," and "each" shall be construed as any, all and each.
- (3) "And" shall mean and/or.
- (4) "Concern," "concerning," "refer," "referring," "relate," "relating," "regard," or "regarding" shall all mean documents which explicitly or implicitly, in whole or in part, compare, were received in conjunction with, or were generated as a result of the subject matter of the request, including all documents which reflect, record, specify, memorialize, relate, describe, discuss, consider, concern, constitute, embody, evaluate, analyze, refer to, review, report on, comment on, impinge upon, or impact the subject matter of the request;
- (5) "Complaint" means the operative Complaint filed in the above captioned action.
- (6) "Collection Letter" shall refer to the "Collection Letter" identified in the Complaint.
- (7) "Communication" or "sent" includes every manner or means of disclosure, transfer, or exchange of information, and/or attempt thereof, and every disclosure, transfer or exchange of information, whether orally or by document or whether face-to-face, by telephone, mail, electronic mail, personal delivery, or otherwise, and/or attempt thereof.
- (8) "Defendant," "you," and "your" shall mean the above-captioned Defendant, any of its directors, officers, sales, agents, managers, supervisors, general agents, agents (including attorneys, accountants, consultants, investment advisors or bankers), employees, representatives and any other persons purporting to act on their behalf. These defined terms include divisions, affiliates, subsidiaries, predecessor entities, acquired entities and/or related entities or any other entity acting or purporting to act on its behalf, including those who sought to communicate with Plaintiff during the relevant time-period whether by letter, e-mail, text message, or any other medium, regardless of whether successful or unsuccessful.
- (9) "Debt" shall refer to the obligation or purported obligation which Defendant sought to collect from Plaintiff in the Collection Letter.
- (10) "Document" means the original, and all non-identical copies (whether different from the original because of additional notations or otherwise), of all written, printed, typed, recorded, electronically or digitally stored, or graphic matter, however produced or reproduced, in the actual or constructive possession, custody, or control of plaintiff including, without limitation, all writings, drawings, graphs, charts, photographs, photographic records, sound reproduction tapes, data compilations (whether tangible or intangible from which information can be obtained, discerned, or can be translated through detection devices into a reasonably usable tangible form), correspondence, memoranda, data, notes of conversations, diaries, papers, letters, e-mail communications, telegrams,

messages of any kind, minutes of meetings, stenographic or hand-typed and written notes, appraisals, bids, account books, checks, invoices, ledgers, agreements, studies, estimates, reports, instructions, requests, pamphlets, brochures, applications, returns, pictures, books, journals, ledgers, corporate records, accounts, contracts, leaflets, administrative or governmental reports or returns, exhibits, maps, surveys, sketches, microfilm, Xerox or any other tangible things which constitute or contain matters within the scope of the Fed. R. Civ. P. 26, 33, 34 and 36.

- (11) "FCCPA" means the Florida Consumer Collection Practices Act, Fla. Stat. §559.55 et seq.
- (12) "FDCPA" means the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq.
- (13) "Including" means: (1) including, but not limited to, or (2) including, without limitation. Any examples which follow these phrases are set forth to clarify the request, definition or instruction, not limited to the request, definition or instruction.
- (14) "Identify" with respect to natural person, means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (15) "Or" shall mean and/or.
- (16) "Payment" shall include all available methods of funds tender, including but not limited to: cash; money order, a negotiable instrument such as a check, note, or draft; an ACH debit; bank, wire, or electronic-funds transfer; and, credit-card payment.
- (17) "Person" or "Persons" shall mean natural persons, proprietorships, joint ventures, partnerships, corporations, trust, groups, associations, organizations, governmental agencies and all other entities.
- (18) "Plaintiff" or "Plaintiff's" shall mean the above-captioned Plaintiff.
- (19) "Relevant time period," "relevant period" or "during the relevant period" refers to a finite length of time, the duration of which is uninterrupted, that begins three years prior to commencement of the above captioned action, and ends on November 8, 2021.
- (20) "Third-party," "third-parties," "vendor," and/or "vendors," shall mean: any person or entity other than Plaintiff, Plaintiff's attorney, the current creditor of the Consumer Debt and said current creditor's attorney.
- (21) The phrase "as defined by the FDCPA" shall refer to the meaning and/or definition of a particular word or phrase set forth under 15 U.S.C. § 1692a.

- (22) The phrase “as defined by the FCCPA” shall refer to the meaning and/or definition of a particular word or phrase set forth under Fla. Stat., § 559.55.

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IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Case No.

THOMAS PATTI,
*individually and on behalf of all
those similarly situated,*

Plaintiff,

v.

REALPAGE INC. D/B/A REALPAGE
UTILITY MANAGEMENT INC.,

Defendant.

CLASS ACTION

JURY TRIAL DEMANDED

COMPLEX DIVISION

CLASS ACTION COMPLAINT

Plaintiff Thomas Patti ("Plaintiff"), *individually and on behalf of all those similarly situated*, sues Defendant RealPage Inc. d/b/a RealPage Utility Management Inc. ("Defendant") for violating the Florida Consumer Collection Practices Act ("FCCPA")

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$30,000 exclusive of interest, costs, and attorney's fees.

2. This Court has personal jurisdiction over Defendant because Defendant is operating, present, and/or doing business within this jurisdiction and because the complained of conduct of Defendant occurred within Broward County, Florida.

3. Venue of this action is proper in this Court because, pursuant to Fla. Stat. § 47.011, et seq., the cause of action alleged below arose in Broward County Florida.

PAGE | 1 of 7

4. Plaintiff has standing to maintain this action because Plaintiff suffered a legal injury as a result of Defendant's violations of the FCCPA, and because Plaintiff is not requesting an advisory opinion from this Court. Thus, Plaintiff has a sufficient stake in a justiciable controversy and seeks to obtain judicial resolution of that controversy.

PARTIES

5. Plaintiff is a natural person, and a citizen of the State of Florida, residing in Broward County, Florida.

6. Defendant is a Foreign For-Profit Corporation, with its principal place of business located in Richardson, Texas.

DEMAND FOR JURY TRIAL

7. Plaintiff, respectfully, demands a trial by jury on all counts and issues so triable.

ALLEGATIONS

8. On a date better known by Defendant, Defendant began attempting to collect a debt (the "Consumer Debt") from Plaintiff.

9. The Consumer Debt is an obligation allegedly had by Plaintiff to pay money arising from a transaction between the creditor of the Consumer Debt, Defendant, and Plaintiff (the "Subject Service").

10. Plaintiff is the alleged debtor of the Consumer Debt.

11. The Subject Service was primarily for personal, family, or household purposes.

12. The FCCPA defines "communication" as "the conveying of information regarding a debt directly or indirectly to any person through any medium." Fla. Stat. § 559.55(2).

13. Defendant is a "person" within the meaning of Fla. Stat. § 559.72.

14. Section 559.72(17) of the FCCPA prohibits persons from communicating with a debtor between the hours of 9:00 PM and 8:00 AM in the debtor's time zone without the prior consent of the debtor.

15. On April 10, 2022, Defendant sent an electronic mail communication to Plaintiff (the "Communication").

16. Attached as Exhibit "A" is a copy of the Communication.

17. The Communication was a communication in connection with the collection of the Consumer Debt.

18. The Communication was sent from NoReply@um.realpage.com and delivered to Plaintiff's personal e-mail address.

19. The Communication advised that "Dear Resident, Your latest eBill Statement from *One Plantation Residential #10436* is now available. Please visit your residential portal to pay online or see other payment options."

20. The Communication was sent by Defendant to Plaintiff at 4:00 AM in Plaintiff's zone.

21. The Communication was received by Plaintiff from Defendant at 4:00 AM in Plaintiff's zone.

CLASS ALLEGATIONS

PROPOSED CLASS

22. Plaintiff brings this lawsuit as a class action on behalf of Plaintiff, individually and on behalf of all other similarly situated persons as a class action. The "Class" that Plaintiff seeks to represent is the below defined "FCCPA Class."

23. The “**FCCPA Class**” consists of: [1] all persons with Florida addresses [2] that Defendant or someone on Defendant’s behalf [3] sent an electronic mail communication to [4] between 9:00 PM and 8:00 AM [5] in connection with the collection of a consumer debt.

24. Defendant and its employees or agents are excluded from the Class.

25. Plaintiff does not know the number of members in the Class but believes the Class members number in the several thousands, if not more.

NUMEROSITY

26. Upon information and belief, Defendant has sent thousands electronic mail communication to Florida consumers between 9:00 PM and 8:00 AM, whereby such electronic mail communication(s) violate 559.72(17). The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

27. The exact number and identities of the Class members are unknown at this time and can be ascertained only through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant’s e-mail records.

COMMON QUESTIONS OF LAW AND FACT

28. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are: [1] Whether Defendant sent an electronic communication to Plaintiff and members of the Class in connection with the collection of a consumer debt; [2] Whether Defendant sent such communication(s) between 9:00 PM and 8:00 AM; [3] Whether Defendant should be enjoined from such conduct in the future.

29. The common questions in this case are capable of having common answers. If Plaintiff’s claim that Defendant routinely sends electronic mail communication(s) that violate

559.72(17) is accurate, Plaintiff and members of the Class will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

30. Plaintiff's claims are typical of the claims of the members of the Class, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

31. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

SUPERIORITY

32. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by members of the Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual members of the Class prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

33. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT 1
VIOLATION OF FLA. STAT. § 559.72(17)

34. Plaintiff, individually and on behalf of the FCCPA Class, incorporates by reference ¶¶ 8-33 of this Class Action Complaint.

35. Pursuant to § 559.72(17) of the FCCPA, in collecting consumer debts, no person shall: “[c]ommunicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor’s time zone without the prior consent of the debtor.” Fla Stat. § 559.72(17) (emphasis added).

36. As set forth above, Defendant sent an electronic communication to Plaintiff in connection with the collection of the Consumer Debt. See Exhibit A. Each of the Electronic Communications were sent to Plaintiff between the hours of 9:00 PM and 8:00 AM in the time zone of Plaintiff. Defendant did not have the consent of Plaintiff to communicate with Plaintiff between the hours of 9:00 PM and 8:00 AM. As such, by and through *each* of the Electronic Communications, Defendant violated § 559.72(17) of the FCCPA.

37. WHEREFORE, Plaintiff, individually and on behalf of the FCCPA Class, requests relief and judgment as follows:

- (a) Determine this action is a proper class action under Florida Rule of Civil Procedure;
- (b) A declaration that Defendant’s conduct and/or practices described herein violate § 559.72(17);
- (c) Award Plaintiff and members of the FCCPA Class statutory damages pursuant to Fla. Stat., § 559.77(2);
- (d) Enjoin Defendant from future violations of Fla. Stat., § 559.72(17) with respect to Plaintiff and the FCCPA Class;
- (e) Award Plaintiff and members of the FCCPA Class reasonable attorneys’ fees and costs, including expert fees, pursuant to Fla. Stat., § 559.77(2); and
- (f) Any other relief that this Court deems appropriate under the circumstances.

Dated: July 15, 2022

Respectfully Submitted,

/s/ Jennifer G. Simil

JIBRAEL S. HINDI, ESQ.

Florida Bar No.: 118259

E-mail: jibrael@jibraellaw.com

JENNIFER G. SIMIL, ESQ.

Florida Bar No.: 1018195

E-mail: jcn@jibraellaw.com

The Law Offices of Jibrael S. Hindi

110 SE 6th Street, Suite 1744

Fort Lauderdale, Florida 33301

Phone: 954-907-1136

COUNSEL FOR PLAINTIFF

EXHIBIT “A”



Jibrael Hindi <jibrael@jibraellaw.com>

Fwd: Your statement is ready to view for One Plantation Residential #10436

Thomas Patti <tom@jibraellaw.com>
To: Jibrael Hindi <jibrael@jibraellaw.com>

Wed, Jun 29, 2022 at 11:29 AM

See below.

Sincerely,

Thomas J. Patti, Esq.

Law Offices of Jibrael S. Hindi, PLLC

110 S.E. 6TH Street, Suite 1700 | Fort Lauderdale, FL 33301
Office: (954) 628-5793 | Direct: (561) 542-8550 | Fax: (954) 507-9974

----- Forwarded message -----
From: <NoReply@um.realpage.com>
Date: Sun, Apr 10, 2022 at 4:00 AM
Subject: Your statement is ready to view for One Plantation Residential #10436
To: <TOM@jibraellaw.com>, <JAMMA08@gmail.com>



Dear Resident,

Your latest eBill Statement from **One Plantation Residential #10436** is now available.

Please visit your resident portal to pay online or see other payment options.

For questions about your statement, please refer to the contact information located on your statement.

Sincerely,
RealPage Utility Management

AMOUNT DUE

\$1802.74

Due Date: 4/1/2022

VIEW STATEMENT

Valid for 30 days

Account Number: 927096236-001

Service Address:
1700 SW 78TH AVE APT 102
Plantation, FL 33324

*Please reference your Account Number
when contacting us.*
1-800-590-7355

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